# Exhibit H

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
X
GUARDANT HEALTH, INC.,
PLAINTIFF,
-against-Case No.:
3:21-cv-04062-EMC
NATERA, INC.,
DEFENDANT.
X
DATE: June 18, 2024
TIME: 9:04 A.M.
CONFIDENTIAL REALTIME DEPOSITION of the
Defendant, NATERA, INC., by a Witness,
DR. HOWARD S. HOCHSTER, taken by the Defendant,
pursuant to a Subpoena and to the Federal Rules of
Civil Procedure, held at the offices of Quinn
Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue,
22nd Floor, New York, New York 10010, before Karyn
Chiusano, a Notary Public of the State of New York.
1
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1	Q. That's usually at the beginning of the
2	year; correct?
3	A. Yes.
4	Q. And ASCO GI 2024 was in the middle of
5	January of 2024; correct?
6	A. That's correct.
7	Q. And there was an abstract that was
8	prepared in connection with the COBRA Study;
9	correct?
10	A. Yes, that's correct.
21	MR. PERLOFF: Well, let me back up:
22	Q. Dr. Hochster, you knew that NRG and NCI
23	had closed the COBRA Study to enrollment in on
24	August 30th of 2023; correct?
25	A. Yes.
	22
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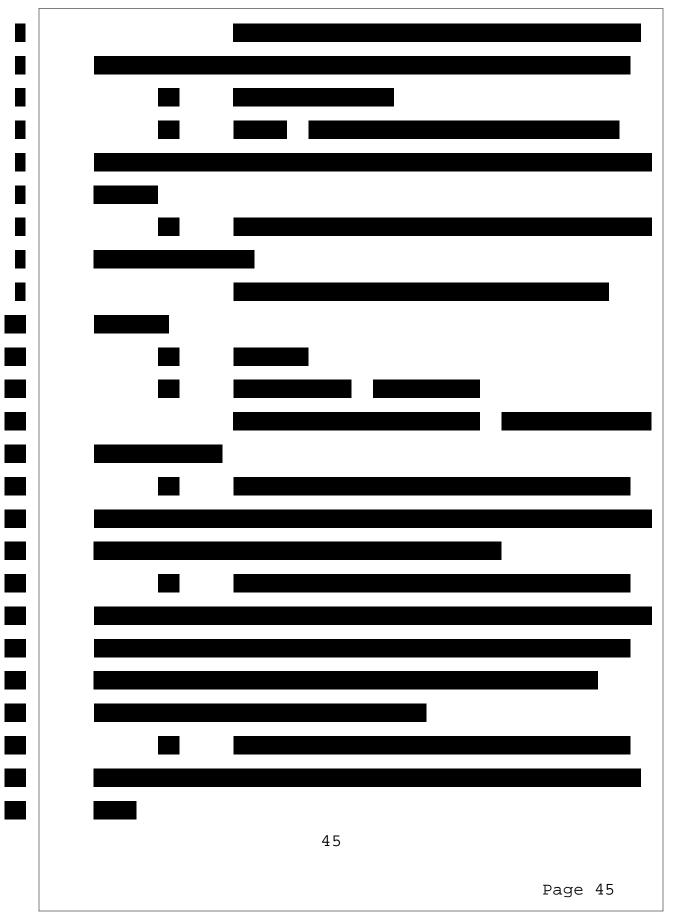
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1	Q. And you knew that the same day that it
2	happened; correct?
3	A. I believe I actually received the
4	letter that was sent out to all the physicians with
5	the request to inform the patients on the following
6	day, on the 31st.
7	Q. Okay. And you how did you receive
8	that?
9	A. I received that from our Regulatory
10	Group's Lead Director, at at Rutgers Cancer
11	Institute.
12	Q. And her name is?
13	A. Karen Jackson.
14	Q. Karen Jackson.
15	Okay. So, on or about the date that
16	NRG announced that it was closing the COBRA Study
17	for further enrollment, you you learned about
18	that?
19	A. Yes.
20	Q. Then, subsequently, there was a
21	decision made to present an abstract at the upcoming
22	ASCO GI Conference; correct?
23	A. That's correct.
24	MS. MAROULIS: Objection; form.
	23

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Q. Okay. Now, you in 2019, do you	know
whether Guardant Reveal was a commercially availa	able
asset?	
MS. MAROULIS: Objection; form.	
A. I'm not certain when they were made	
you know, when they started marketing it and I'm	not
sure when the FDA gave their approval. So	
Q. You don't know?	
A. I don't know.	
Q. If I'm going to tell you that	
Guardant Reveal was launched as a commercial	
product, not in a research-use-only product, but	a
commercially available clinical product announced	d in
January of 2021, soft launch, in February or Mar	ch
of 2021.	
Does that sound about right?	
24	

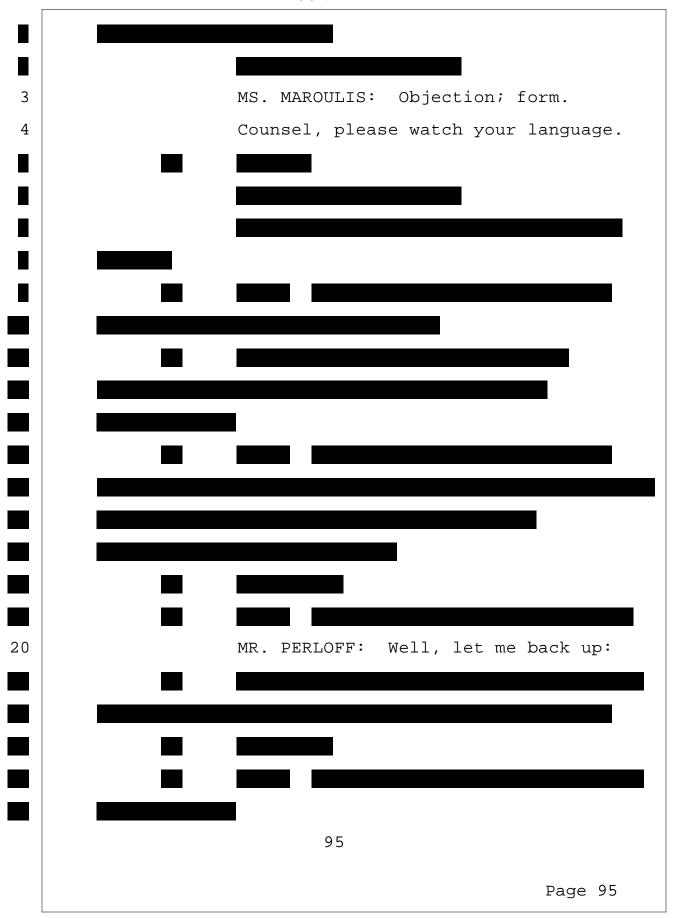
1	Network group study champions for the COBRA Study;
2	correct?
3	A. I'm unsure about that, but if that's
4	listed that way, then I would believe that.
5	Q. And does Dr. Boland report to you in
6	any fashion?
7	A. In some fashion.
8	Q. You are the Head of Clinical Research,
9	at Rutgers.
10	Is it in that capacity that he reports
11	to you?
12	A. Yes.
13	And also, I am the Director of GI
14	Oncology.
15	So, he has some level of supervision,
16	by myself, in that capacity, as well.
	44
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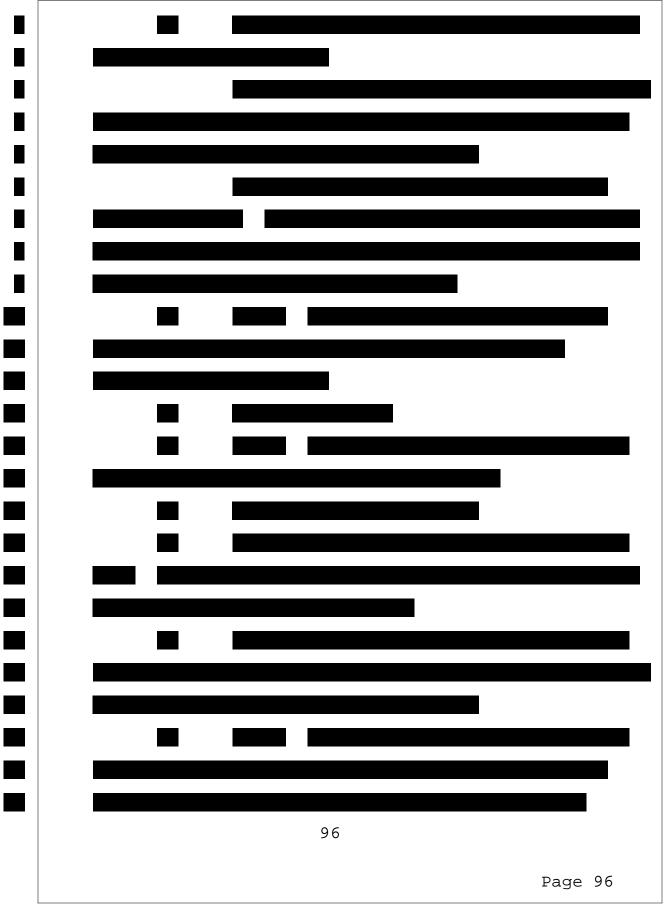


1	other cancer	patients?
2		MS. MAROULIS: Objection; form.
3	Α.	At times.
4	Q.	At all times, on average?
5	Α.	I haven't performed such an analysis
6	Q.	Okay.
7	Α.	to be able to give you that data.
8	Q.	Okay. And you're still the Associate
9	Director for	Clinical Research and the Director of
10	GI Oncology,	at Rutgers Cancer Institute; correct?
11	Α.	Correct.
12	Q.	And is it still the case that you
13	direct all G	I oncology research at Rutgers Cancer
14	Institute?	
15	Α.	Yes.
16	Q.	And so, is it true that you play an
17	important ro	le in deciding what clinical research
18	oncology cli	nical research is performed at Rutgers?
19	Α.	Yes.
20	Q.	What role do you play in reviewing and
21	approving wh	ich oncology research is performed at
22	Rutgers Cance	er Institute?
23	Α.	Well, we have a process that if an
24	investigator	is interested in a trial, we have
25	them we ha	ave disease groups. There's a review at
		79
		Page 79
		1 4 3 5 7 7

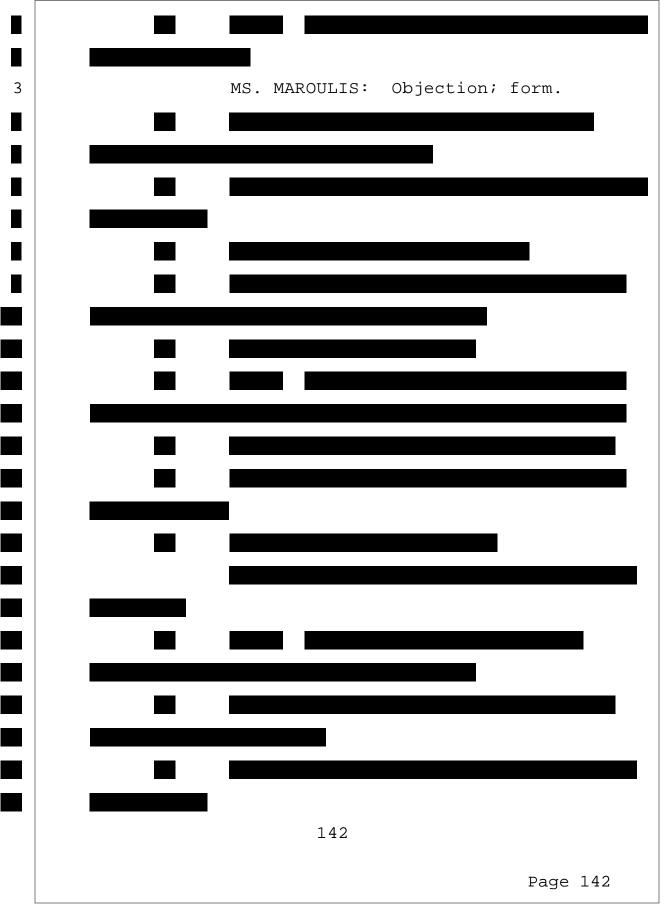
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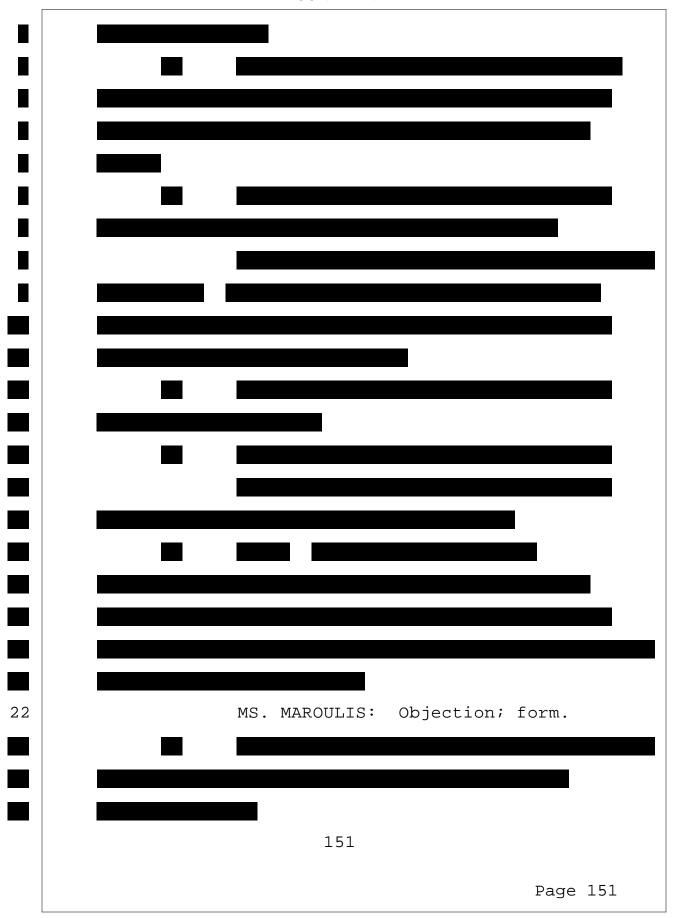
1	present ctDNA-positive after surgery and receive
2	adjuvant chemotherapy?
3	MS. MAROULIS: Objection; form.
4	A. I am not aware of a consensus figure.
13	Q. And Mr. Thom Dr. Thom George, he was
14	also one of the publication authors for the COBRA
15	Study?
16	A. Yes.
	94
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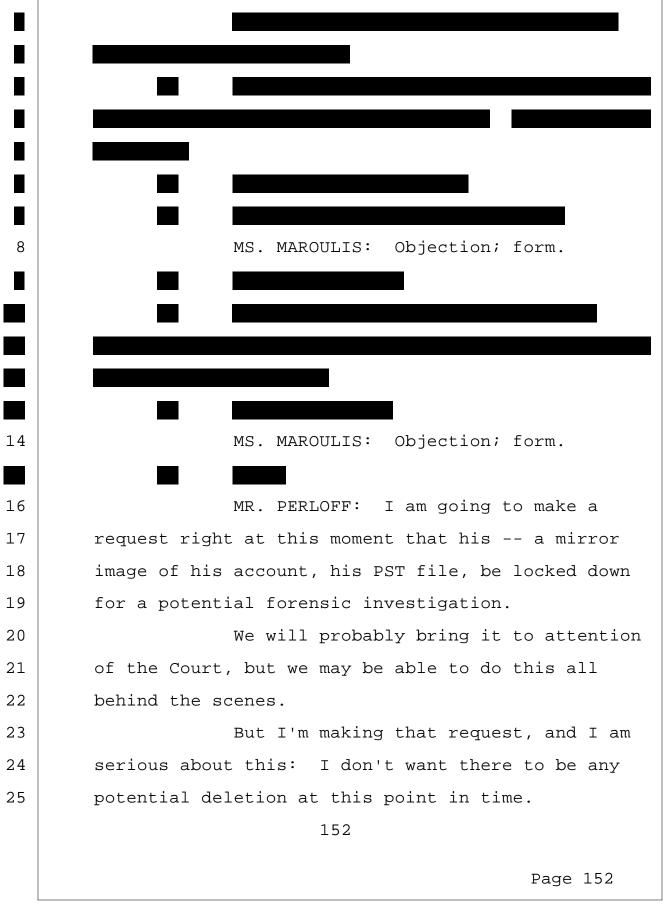




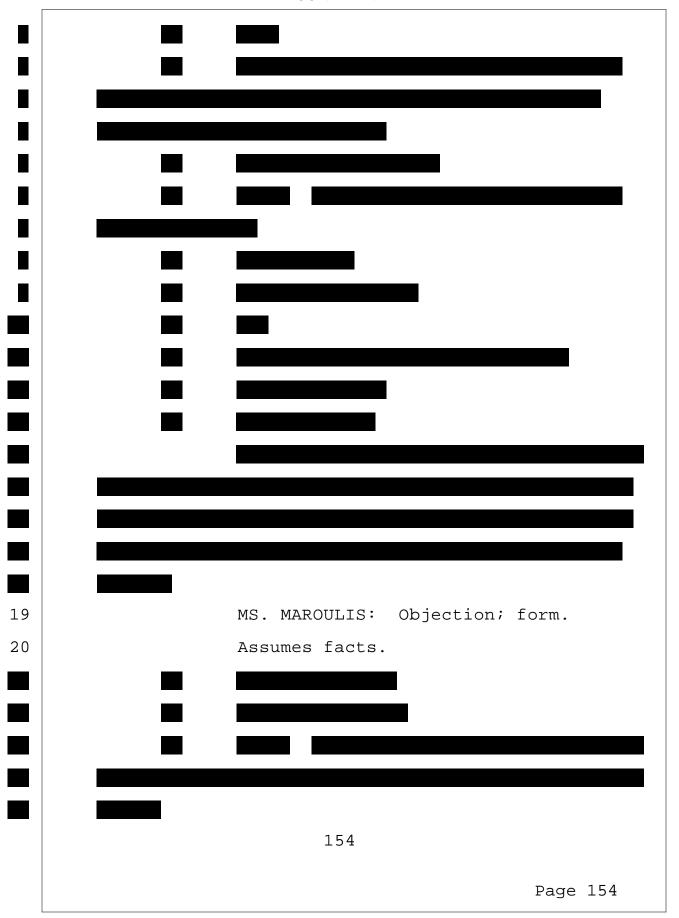
1	marked as Exhibit 3104.
2	Do you remember that you spent time
3	talking to your Counsel regarding the collection of
4	those documents?
5	A. Yes.
6	Q. Let me hand you what I have marked as
7	3104.
8	(Whereupon, Invoice was marked as
9	Exhibit 3104 for identification as of this date by
10	the Reporter.)
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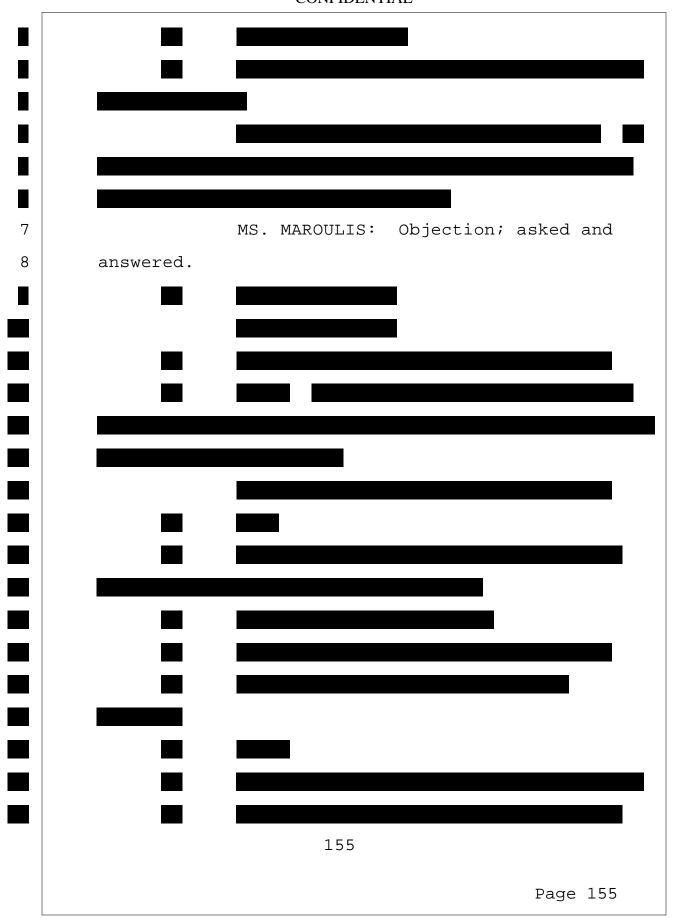


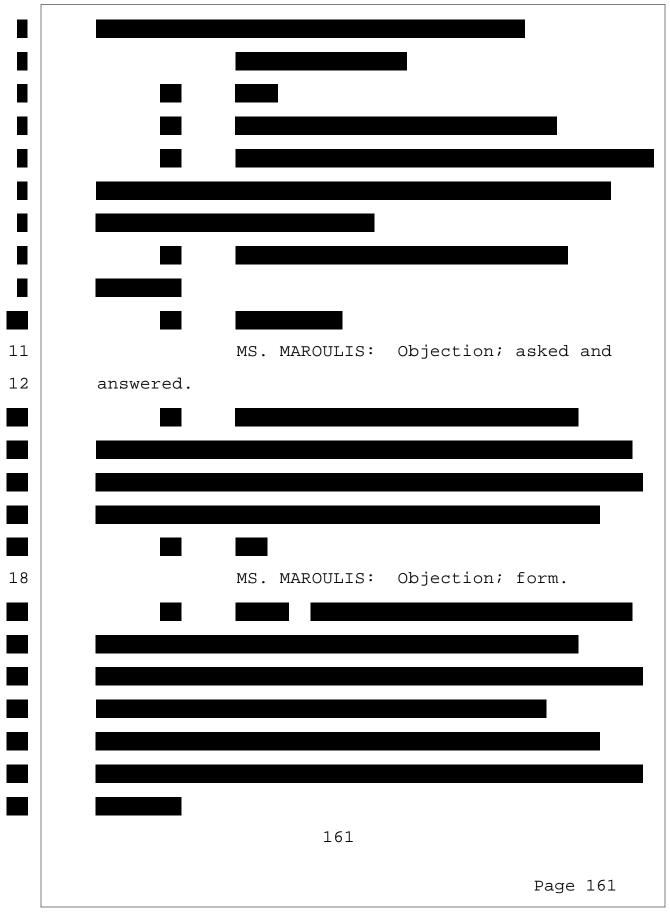


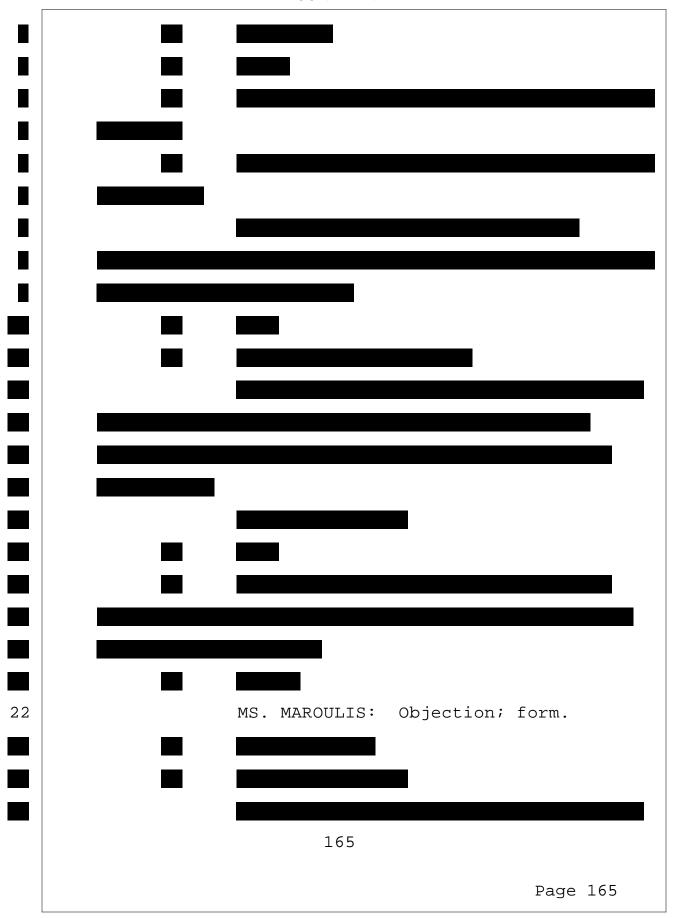


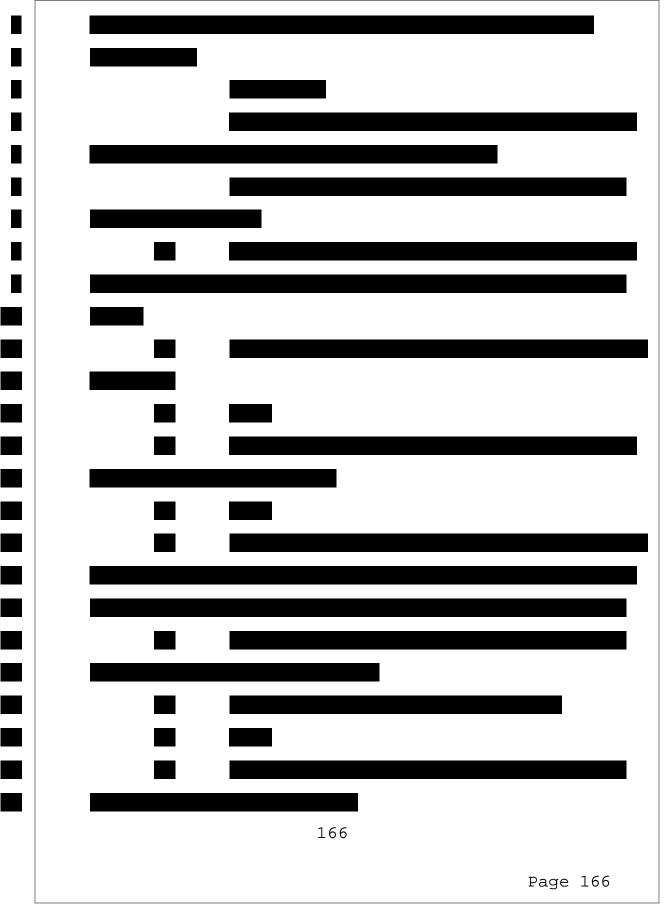
1	I want to see what happens, if we
2	search for "COBRA."
3	MS. MAROULIS: Counsel, we object to
4	that.
5	We can obviously discuss not on the
6	witness's time here.
7	MR. PERLOFF: Yeah.
8	MS. MAROULIS: But your insinuations
9	are really inappropriate.
10	And we can take that up, but we
11	definitely object to this request.
12	MR. PERLOFF: Okay.
13	Q. Now now, are you aware that your
14	Counsel said that not only did you do
15	MR. PERLOFF: Well, let me back up:
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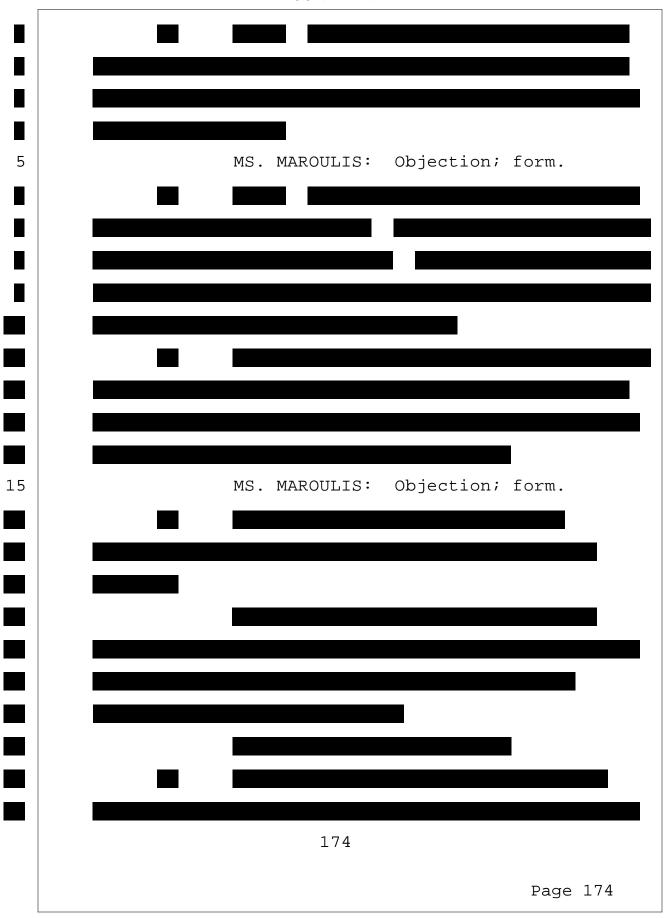


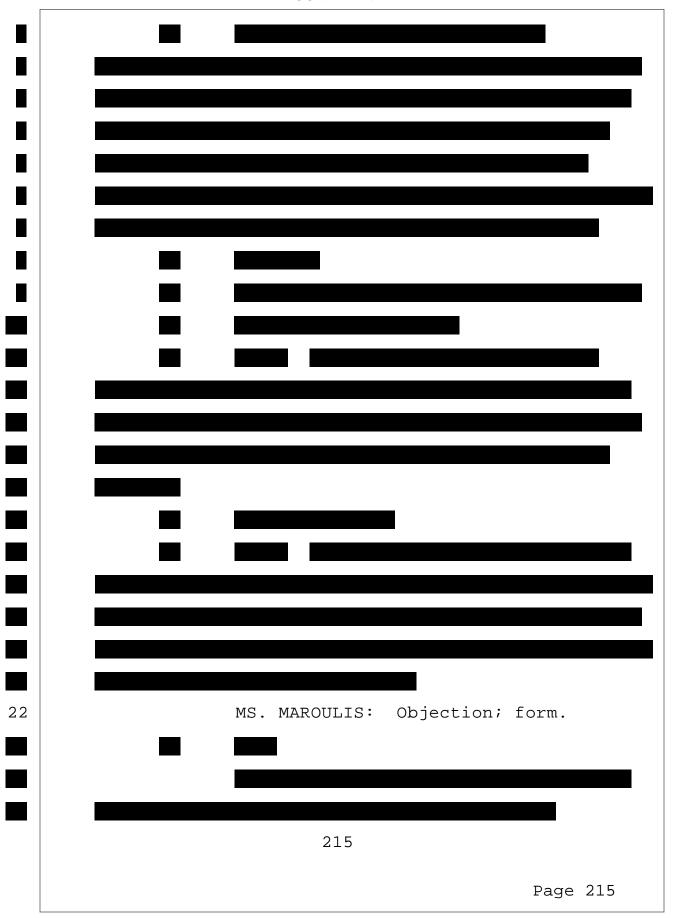












2	MS. MAROULIS: Okay. And please don't
3	reveal the substance of the communication.
4	THE WITNESS: Okay.
18	MS. MAROULIS: Please don't reveal the
19	communication.
20	THE WITNESS: Okay.
21	MS. MAROULIS: He asked for a date.
22	THE WITNESS: Okay.
23	MS. MAROULIS: It's okay to say the
24	date.
25	Try to keep the record clean.
	240

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1	CERTIFICATE
2	
	STATE OF NEW YORK )
3	: SS.:
	COUNTY OF NEW YORK )
4	
5	I, KARYN CHIUSANO, a Notary Public for and
6	within the State of New York, do hereby certify:
7	That the witness whose examination is
8	hereinbefore set forth was duly sworn and that such
9	examination is a true record of the testimony given
10	by that witness.
11	I further certify that I am not related to any
12	of the parties to this action by blood or by
13	marriage and that I am in no way interested in the
14	outcome of this matter.
15	IN WITNESS WHEREOF, I have hereunto set my hand
16	this 20th day of June, 2024.
17	1.4
18	Laryn Chuisano
19	Large
	KARYN CHIUSANO
20	
21	
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23	
24	
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